

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
 Plaintiffs,)
)
 vs.) No. 4:06-CV-560 (CEJ)
)
LINDA'S CLEANING SERVICES,)
an administratively dissolved)
Missouri corporation, and)
LINDA D. TROECKLER, an)
individual d/b/a as Linda's)
Cleaning Services, Inc.,)
 Defendants.)

ORDER

This matter is before the Court on plaintiffs' motion to compel an accounting, following an entry of default against defendant Linda D. Troeckler.

Plaintiffs bring this action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1974, as amended, 29 U.S.C. § 185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132. Plaintiffs are four employee benefit plans (the Pension, Welfare, Vacation, and Training funds), their trustees (collectively, the plans), and Local Unions Nos. 42-53-110 of the Laborers International Union of North America, AFL-CIO (the Unions). They seek an order compelling defendant Linda D. Troeckler to submit to an audit for the period of August 27, 2004, to the present. On June 8, 2006, the Court ordered Linda's Cleaning Services, Inc., to submit to a complete financial compliance examination.

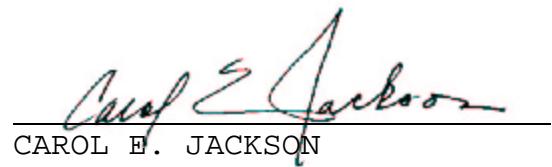
According to the affidavit of Bernard Difani, an accountant for the plans, defendants failed to make timely contributions to the plans as required under the terms of a collective bargaining agreement entered into on August 27, 2004. Defendant Linda D. Troeckler was served with the summons and complaint on July 19, 2006, and has not filed an answer or otherwise appeared in this matter. The Clerk of Court has entered default against defendant Linda D. Troeckler.

Plaintiffs move for an order compelling an accounting pursuant to Rule 55(b)(2), Fed.R.Civ.P., in order to determine the amount of damages. Plaintiffs have established that defendant Linda D. Troeckler was an officer of Linda's Cleaning Services, Inc., when it was administratively dissolved on March 29, 2006, and that she has continued to business under the name of Linda's Cleaning Services, Inc. Plaintiffs have also established that defendant Linda's Cleaning Services, Inc., is bound by a collective bargaining agreement with Laborers Local Unions Nos. 42-53-110. The agreement requires signatories to submit contributions to the Laborers Funds and authorizes plaintiffs to examine the financial records to ascertain whether the required contributions were made. The only means by which plaintiffs can determine the amount owed is through such financial compliance examination.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default order to compel an accounting [#18] is **granted**.

IT IS FURTHER ORDERED that defendant Linda D. Troeckler shall, not later than **November 24, 2006**, produce for inspection by plaintiffs all books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to employees of Linda's Cleaning Services, Inc., since August 27, 2004.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of November, 2006.